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MAY 29 1953

UNITED STATES DEPARTMENT OF AGRICULTURE

PRODUCTION AND MARKETING ADMINISTRATION

LIVESTOCK BRANCH

NOTICES OF JUDGMENT UNDER THE FEDERAL INSECTICIDE,
FUNGICIDE, AND RODENTICIDE ACT

134-169

The notices of judgment herewith relate to cases arising in the United States District Courts and are approved for publication, as provided in section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 1946 ed. Supp. V, 135d).

H. E. REED,
*Director, Livestock Branch,
Production and Marketing Administration.*

WASHINGTON, D. C., January 29, 1953.

134. Lack of registration of "ARAB U-DO-IT Concentrate Termite Control." U. S. v. 47 pint bottles and 48 quart bottles, more or less, of "ARAB U-DO-IT Concentrate Termite Control." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 166. I. D. No. 22473)

The product, "ARAB U-DO-IT Concentrate Termite Control," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On October 24, 1951, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 47 pint bottles and 48 quart bottles, more or less, of "ARAB U-DO-IT Concentrate Termite Control," at Washington, D. C., alleging that the product was an economic poison which had been transported interstate, on or about October 5, 1951, by Federal Chemical Co., Inc., from Indianapolis, Ind., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

On January 24, 1952, no claimant having appeared, a default decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

135. Lack of registration, misbranding, and adulteration of "NO-ODOR DISINFECTANT F. D. A. PHENOL COEFFICIENT 6." U. S. v. 60 drums, 55-gallons each, more or less, of "NO-ODOR DISINFECTANT F. D. A. PHENOL COEFFICIENT 6." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 167. I. D. No. 22479.)

The product, "NO-ODOR DISINFECTANT F. D. A. PHENOL COEFFICIENT 6," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of two samples of the product showed that they contained

0.86 percent and 1.63 percent of alkyl ($C_{8}H_{17}$ to $C_{18}H_{37}$) dimethyl benzyl ammonium chloride, respectively. When tested, the product was found to have a phenol coefficient of 0.8 instead of a phenol coefficient of 6 as claimed.

On November 13, 1951, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 60 drums, 55-gallons each, more or less, of "NO-ODOR DISINFECTANT F. D. A. PHENOL COEFFICIENT 6," at Washington, D. C., alleging that the product was an economic poison which had been transported interstate, on or about September 22, 1951, by the Universal Chemical Company, from Boston, Mass., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality as expressed on its labeling since its label bore the statements:

"PHENOL COEFFICIENT 6

* * *

Active Ingredients: 3%

Alkyldimethylbenzyl Ammonium

Chlorides

Inert Ingredients 97%

Water

* * *"

whereas the product had a phenol coefficient of less than 6, and it contained less than 3 percent of alkyl ($C_{8}H_{17}$ to $C_{18}H_{37}$) dimethyl benzyl ammonium chloride and more than 97 percent of inert ingredients.

It was alleged that the product was misbranded within the meaning of the act in that its labeling bore the statements:

"PHENOL COEFFICIENT 6

* * *

Active Ingredients: 3%

Alkyldimethylbenzyl Ammonium

Chlorides

Inert Ingredients 97%

Water

* * *"

whereas the product had a phenol coefficient of less than 6, and it contained less than 3 percent of alkyl ($C_{8}H_{17}$ to $C_{18}H_{37}$) dimethyl benzyl ammonium chloride and more than 97 percent of inert ingredients.

It was alleged that the product was further misbranded within the meaning of the act in that the labeling accompanying the product did not contain directions for use which were necessary and, if complied with, adequate for the protection of the public.

It was alleged that the product was further misbranded within the meaning of the act in that its labeling did not bear a warning or caution statement which was necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals.

On January 22, 1952, no claimant having appeared, a decree of condemnation and forfeiture was entered, and the United States Marshal was ordered to destroy the product.

136. Lack of registration and misbranding of "GULCO CLEANER POLISHER WITH MAGIC PARAMECIUM." U. S. v. 6,706 1-pint bottles and 4,188 1-quart bottles, more or less, of "GULCO CLEANER POLISHER WITH MAGIC PARAMECIUM." Decree of condemnation and forfeiture. (I. F. & R. No. 170. I. D. No. 21789.)

The product, "GULCO CLEANER POLISHER WITH MAGIC PARAMECIUM," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and the labels affixed to the containers of the product did not bear an ingredient statement as required by the act.

On December 4, 1951, the United States Attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in

the United States District Court a libel praying seizure for condemnation and confiscation of 6,706 1-pint containers and 4,188 1-quart containers, more or less, of "GULCO CLEANER POLISHER WITH MAGIC PARAMECIUM," at Birmingham, Ala., alleging that the product was an economic poison which had been transported interstate, on or about May 15, 1951, and June 18, 1951, by Gulco Chemical Co., Inc., from Gulfport, Miss., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture, as required by section 4 of the act.

It was alleged that the product was misbranded within the meaning of the act in that the labels affixed to the containers of the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with total percentage of the inert ingredients, in the product, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients, in the product.

On February 15, 1952, a decree of condemnation was entered, and it was ordered that the United States Marshal give the product to some authorized agent or representative of an authorized and worthy hospital or charitable institution, for the use and benefit of such institution and for no other purpose.

137. Lack of registration and misbranding of "GLAMORENE THE PROFESSIONAL CARPET CLEANER." U. S. v. 240 1-gallon cans and 1,910 ½-gallon cans, more or less, of "GLAMORENE THE PROFESSIONAL CARPET CLEANER." Consent decree of condemnation and release under bond. (I. F. & R. No. 171. I. D. Nos. 20642-20651.)

The product, "GLAMORENE THE PROFESSIONAL CARPET CLEANER," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and the labels affixed to the containers of the product did not bear an ingredient statement as required by the act.

On December 7, 1951, the United States Attorney for the District of Columbia acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 240 1-gallon cans, and 1,910 ½-gallon cans, more or less, of "GLAMORENE THE PROFESSIONAL CARPET CLEANER," at Washington, D. C., alleging that the product was an economic poison which had been sold in the District of Columbia, on or about November 5, 1951, by the Slade Co., Inc., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

The product was alleged to be misbranded in that its labels did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients.

The Slade Company, Washington, D. C., claimed ownership of the product and requested its release under bond for the purpose of removing the product from under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, and consented to the entry of a condemnation decree. On December 21, 1951, a consent decree of condemnation was entered, and the product was released to the claimant under bond.

138. Lack of registration and misbranding of "CEDAR-LUX." U. S. v. 33 5-pound cans and 15 10-pound cans, more or less, of "CEDAR-LUX." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 174. I. D. Nos. 22695 and 22696.)

The product, "CEDAR-LUX," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and an examination of the product showed that the labels affixed to the containers of the product did not bear a caution statement or a correct ingredient statement as required by the act. The product was also found to be misbranded within the meaning of the act.

On December 19, 1951, the United States Attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the

United States District Court a libel praying seizure for condemnation and confiscation of 33 5-pound cans and 15 10-pound cans, more or less, of "CEDAR-LUX," at San Jose, Calif., alleging that the product was an economic poison which had been transported interstate, on or about October 11, 1951, by Cedar-Lux Products Company, Inc., from Kansas City, Mo., in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

It was alleged that the product was not registered with the Secretary of Agriculture, as required by section 4 of the act.

It was alleged that the product was misbranded in that the labels affixed to the containers of the product did not bear a warning or caution statement which was necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals.

It was alleged that the product was further misbranded within the meaning of the act in that its labeling bore the statements:

" * * *

CEDAR-LUX

Guaranteed MOTH PROOF

for
*CLOSETS
*SHELVES
*DENS
*RUMPUS
ROOMS

for
*STUDIOS
*ATTICS
*CHESTS
*BUREAU
DRAWERS

* * *

MOTH REPELLENT

* * *

Remember, you can use CEDAR-LUX in many ways, not only to protect against moths but to capture that fragrant, true woodsy odor of cedar and transplant it to your home in dens, recreation rooms, attic or studio. For mothproofing chests, drawers, boxes, trunks, it is wonderful! **POSTIVELY KEEPS OUT MOTHS!**

Mothproof all your closets this way

* * *

* * * Cedar-Luxing all clothes closets, chests, trunks, boxes, anything and everything into which they pack or store things to prevent moths and other insects getting to them.

* * *

CEDAR-LUX is recognized as a guardian against moths, CEDAR-LUX seals all cracks and crevices, therefore keeps out vermin, moths and dust.

* * *

CEDAR-LUX protects your wearables not for a few months but 12 months each year and keeps protecting them for years.

* * *

Now you can protect your furs, men's and women's garments, wearables, etc., by keeping them safe and sound, away from moths and vermin, in a CEDAR-LUX CLOSET which you yourself can make with the aid of CEDAR-LUX and an ordinary paint brush. Now you can apply CEDAR-LUX to the walls and ceiling of any ordinary closet and make it absolutely mothproof—protective—* * *

* * *

CEDAR-LUX resurfaces walls, sealing all cracks where moths and other vermin breed.

* * *

CEDAR-LUX GIVES YOU LOW-COST PROTECTION

One damaged dress or skirt, one suit or man's jacket ruined by moths, larvae or vermin in your fur coat or other valuable wearing

apparel would be enough to CEDAR-LUX not one but several closets in your home. CEDAR-LUX is now giving positive protection in thousands of homes throughout the land.

* * *

CEDAR-LUX is endorsed in Farmer's Bulletin No. 1353 as being protective against moths and larvae.

* * *

Read What This U. S. D. A. Bulletin On Red Cedar Says:

* * *

—U. S. D. A. Farmer's Bulletin No. 1353

* * *

Cedar-Lux

never fails to work

Just think—with an ordinary paint brush and CEDAR-LUX you can mothproof and cedarize every closet in the house. Think of the savings in moth-eaten clothing plus the incidental cost of constantly buying moth preventatives which give only short lived protection.

* * *

An ordinary closet was CEDAR-LUXED. Eight months later 60 adult moths were released in a vestibule built around the partly open door of the CEDAR-LUXED closet. The only place that they could get suitable material on which to lay eggs was in the closet. No moths entered the closet and two weeks later no eggs were found on the woollens in the closet.

* * *

Cedar-Lux * * * For mothproofing chests, drawers, boxes, trunks, it is wonderful! **POSITIVELY KEEPS OUT MOTHS!**

* * *

Guaranteed

Proved by laboratory tests and backed by years of experience, CEDAR-LUX is both mothproof and fireproof. Used extensively by leading hotels, apartment houses and in thousands of homes.

* * *

Cedar-Lux

* * * guards your clothes against moths and other insects.

Don't Take Chances

Moths know no seasons and are no respecter of new clothes or old clothes. Why permit them to feast on dresses, skirts, men's suits and other wearables when it's such a simple matter to brush on CEDAR-LUX and play safe. Moths hate cedar! Cedar-Lux keeps them out.

* * *

CEDAR-LUX saves packing and storing clothes in expensive bags. Eliminates the buying of moth balls and other costly insecticides.

* * *

Make Every Clothes Closet a Mothproof Cedar Closet!

* * *

Just one coat with CEDAR-LUX and you have 100% protection.

* * *

which statements were false or misleading since they implied or represented that the product was endorsed in U. S. D. A. Farmer's Bulletin No. 1353 as being protective against moths and larvae and that, when used as directed, the product: (1) Would mothproof clothes closets, storage boxes, bureau drawers, shelves, rumpus rooms, studios, chests, attics, recreation rooms, dens, and other spaces; (2) would stop, repel, and keep out moths; (3) would protect dens, recreation rooms, attics, and studios against moths; (4) would

prevent moths and other insects from getting into clothes closets, chests, trunks, boxes, and other places where things are packed and stored; (5) would guard clothes against moths and other insects; (6) would seal all cracks and crevices and thus prevent the breeding of moths, the entry of all moths and vermin, and the presence of all insects; (7) would make every clothes closet a mothproof cedar closet; (8) would be a guardian against moths and give 100 percent protection against moths; (9) would protect and keep all moths and vermin away from furs, men's and women's garments, wearables, and all other articles implied by the term "etc."; (10) would give positive protection for dresses, skirts, suits, and men's jackets against moths, larvae, and all vermin; and (11) would eliminate the buying of moth balls and other costly insecticides; whereas, the product was not endorsed in U. S. D. A. Farmer's Bulletin No. 1353 as being protective against moths and larvae and, when used as directed, the product: (1) Would not mothproof clothes closets, storage boxes, bureau drawers, shelves, rumpus rooms, studios, chests, attics, recreation rooms, dens, and other spaces; (2) would not stop, repel, or keep out moths; (3) would not protect dens, recreation rooms, attics, or studios against moths; (4) would not prevent moths and other insects from getting into clothes closets, chests, trunks, boxes, and other articles in which things are packed and stored; (5) would not guard clothes against moths and other insects; (6) would not seal all cracks and crevices and thus prevent the breeding of moths, the entry of all moths and vermin, or the presence of all insects; (7) would not make every closet a mothproof cedar closet; (8) would not be a guardian against moths or give 100 percent protection against moths; (9) would not protect and keep all moths and vermin away from furs, men's and women's garments, wearables, and all other articles implied by the term "etc."; (10) would not give positive protection for dresses, skirts, suits, or men's jackets against moths, larvae, and all vermin; and (11) would not eliminate the buying of moth balls and other costly insecticides.

It was alleged that the 5-pound cans of the product were further misbranded within the meaning of the act in that the labeling stated in part:

"* * *

INGREDIENTS

Active—Cedarwood Oil $8\frac{1}{2}\%$ Chlordane 1%
Inactive—Ground Cedar and Other Material $91\frac{1}{2}\%$

* * *

INGREDIENTS

Active—Cedarwood Oil $8\frac{1}{2}\%$
Inactive—Ground Cedar and Other Material $91\frac{1}{2}\%$
Active—Chlordane 1%

* * *

which statements were false and misleading since the product contained less than $8\frac{1}{2}\%$ percent cedarwood oil, less than 1 percent chlordane (technical), and more than $91\frac{1}{2}\%$ percent inert (inactive) ingredients; the total claimed percentage of active and inert ingredients in the product was more than 100 percent; and the term "chlordane" was an insufficient designation for the active ingredient technical chlordane, which consisted of octochloro-4, 7-methano-tetrahydro-indane and related compounds.

It was alleged that the 10-pound cans of the product were further misbranded in that the labeling stated in part:

"* * *

INGREDIENTS

Active—Cedarwood Oil $8\frac{1}{2}\%$
Inactive—Ground Cedar and Other Material $91\frac{1}{2}\%$

* * *

which statements were false and misleading as the product contained less than $8\frac{1}{2}\%$ percent cedarwood oil, more than $91\frac{1}{2}\%$ percent inert (inactive) ingredients, and contained another active ingredient, to wit, technical chlordane, which was not named in the ingredient statement.

On January 8, 1952, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

139. Lack of registration and required information on label and misbranding of "Better MOTH RINGS and Net Weight: Approximately 8 oz." U. S. v. 200 cases, more or less, of "Better MOTH RINGS Net Weight: Approximately 8 oz." Consent decree of condemnation and release under bond. (I. F. & R. No. 178. I. D. Nos. 23599, 23606, 23607, 23608 and 23609.)

The product, "Better MOTH RINGS," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the labels affixed to the containers of the product did not bear a proper statement of net weight or measure of contents as required by the act. Also, the product was found to be misbranded within the meaning of the act.

On February 29, 1952, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure for condemnation and confiscation of 200 cases, more or less, of "Better MOTH RINGS Net Weight: Approximately 8 oz.," at Aurora, Ill., alleging that the product was an economic poison which had been transported interstate, on or about January 24, 1952, by Better Brushes, Inc., from Palmer, Mass., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product failed to comply with the act in that the labels on its containers did not bear a proper statement of net weight or measure of the contents of the containers in that the statement of net weight appearing on the containers, to wit, "Net Weight: Approximately 8 oz.," was indefinite and might be misleading.

It was alleged that the product was misbranded within the meaning of the act in that the statement, "Net Weight: Approximately 8 oz.," borne on the labels was false and misleading since the average net weight of the containers was substantially less than 8 ounces.

It was alleged that the product was further misbranded within the meaning of the act in that its labeling bore the statements:

"Better	* * *
MOTH	Protects clothes against moths
RINGS	* * *
	Will last 4 to 6 months.
	* * *

BETTER MOTH RINGS PROTECT CLOTHES—BETTER DIRECTIONS FOR USE

1. For effective moth control, articles should be thoroughly brushed and cleaned.
2. Hang BETTER Moth Rings high in closet; vapors settle rather than rise.

BETTER Moth Rings when used at rate of 1 lb. to 10 cubic feet, protect clothes against moths in all stages of growth * * * eggs, larvae, cocoons, etc.

* * *

and that such statements were false and misleading since they implied or represented that the product when used as directed would provide effective control of clothes against moths for a period of 4 to 6 months, whereas the product, when used as directed, would not provide effective control of clothes from moths for a period of from 4 to 6 months.

Better Brushes, Inc., of Boston, Mass., claimed ownership of the product, and requested its release under bond for the purpose of bringing the product into compliance with the act, and consented to the entry of a condemnation decree. On May 16, 1952, a decree of condemnation was entered and it was ordered that the product be released to the claimant under bond.

140. Lack of registration and misbranding of "CEDAR-LUX." U. S. v. 95 5-pound cans, more or less, 200 copies, more or less, of a report on "Testing of Cedar-Lux for moth killing and repellency"; 100 sheets, more or less, captioned "Cedar Lux Nationally Advertised"; 25 display cards, more or less, of "Cedar-Lux Nature's Own Lining With True Cedar Odor"; and 25 cardboard cartons, more or less, labeled "1 5-lb Can Cedar-Lux Natures En-

during Cedar Lining Moth Repellent." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 179. I. D. No. 24916.)

The product, "CEDAR-LUX," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and the labels affixed to the containers of the product did not bear an ingredient statement as required by the act.

On March 10, 1952, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 95 5-pound cans, more or less, of "CEDAR-LUX"; 200 copies, more or less, of a report on "Testing of Cedar-Lux for moth killing and repellency"; 100 sheets, more or less, captioned "Cedar-Lux Nationally Advertised"; 25 display cards, more or less, of "Cedar-Lux Nature's Own Lining With True Cedar Odor"; and 25 cardboard cartons, more or less, labeled "1 5-lb. Can Cedar-Lux Nature's Enduring Cedar Lining Moth Repellent," at Boston, Mass., alleging that the product was an economic poison which had been transported interstate, on or about February 11, 1952, by Cedar-Lux Products Co., Inc., from Kansas City, Mo., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

The product was alleged to be misbranded in that its labeling did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with total percentage of the inert ingredients, in the product, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients, in the product.

On April 21, 1952, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

141. Lack of registration of "EXTERM-O-LITE." U. S. v. 138 packages, more or less, each containing two "EXTERM-O-LITE VAPORIZERS" and "EXTERM-O-LITE INSECTICIDE"; 50 display cards, more or less, captioned "For Sure Pest Control Exterm-O-Lite Vaporizer"; and 50 circulars, more or less, bearing the statement "9 TIMES MORE POWERFUL THAN DDT EXTERM-O-LITE VAPORIZER OF PURE LINDANE." Consent decree of condemnation and release under bond. (I. F. & R. No. 182. I. D. 24579.)

The product, "EXTERM-O-LITE," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On April 4, 1952, the United States Attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 138 packages, more or less, each containing two "EXTERM-O-LITE VAPORIZERS" and "EXTERM-O-LITE INSECTICIDE"; 50 display cards, more or less, captioned "For Sure Pest Control Exterm-O-Lite Vaporizer"; and 50 circulars, more or less, bearing the statement "9 TIMES MORE POWERFUL THAN DDT EXTERM-O-LITE VAPORIZER OF PURE LINDANE," at Los Angeles, Calif., alleging that the product was an economic poison which had been transported interstate, on or about March 10, 1952, by the Candle-Lite Chemical Company, from Miami, Fla., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

Candle-Lite Chemical Company, of Miami, Fla., claimed ownership of the product, and requested its release under bond for the purpose of bringing it into compliance with the act, and consented to the entry of a condemnation decree. On July 21, 1952, a decree of condemnation was entered, and it was ordered that the product be released to the claimant under bond.

142. Lack of registration and misbranding and adulteration of "CARCO-X." U. S. v. N. F. Rea, trading as Getzum Products. Defendant found guilty on count 1 of violation of 7 U. S. C. 135a (a) (1). Not guilty on counts 2 and 3. Imposition of sentence suspended and defendant placed on probation for a period of 3 years. (I. F. & R. No. 142. I. D. Nos. 17771, 17768, and 17772.)

The product, "CARCO-X," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On October 8, 1951, the United States Attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court an information against N. F. Rea, trading as Getzum Products, alleging shipments, in interstate commerce, of quantities of "CARCO-X" which were in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

In count 1 it was alleged that the defendant, on or about October 18, 1948, shipped and delivered for shipment from Sumner, Wash., to Missoula, Mont., 48 ½-pint containers and 24 1-pint containers of a product known as "CARCO-X" and that:

1. The product was not registered with the Secretary of Agriculture as required by section 4 of the act.
2. The product was misbranded within the meaning of the act in that its labeling bore statements relative to the product and its ingredients which were false and misleading as the statements represented or implied that the product contained 5 percent of hexachlorocyclohexane, and that when used as directed, it would control all weevils on vegetables and all weevils and borers on flowers; would repel all insects on roses; and would be "your garden protector"; whereas the product contained less than 5 percent of hexachlorocyclohexane, and when used as directed would not control all weevils on vegetables and all weevils and borers on flowers; would not repel all insects on roses; and would not be "your garden protector."
3. The product was further misbranded within the meaning of the act in that its labels did not contain a warning or caution statement which was necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals in that the labels should have contained but did not contain suitable warnings or cautions against the danger of skin irritation or injury from inhalation in use of the product.
4. The product, when used as directed, would be injurious to vegetation to which applied, since when so used on roses it would injure the foliage thereof and when so used on certain food crops, including lima beans and potatoes, it would injure the flavor of such crops, and in that for these reasons the labeling accompanying the product did not contain directions for use which were necessary and, if complied with, adequate for protection of the public.
5. The product was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality under which it was sold, since its labeling stated that it contained 5 percent of hexachlorocyclohexane, whereas the product contained less than 5 percent of hexachlorocyclohexane.

In count 2 it was alleged that the defendant, on or about March 21, 1949, shipped and delivered for shipment from Sumner, Wash., to Salem, Oreg., 48 ½-pint containers, 24 1-quart containers, and 6 1-gallon containers of a product known as "CARCO-X" and that:

1. The product was misbranded within the meaning of the act in that its labeling bore statements, relative to the product and its ingredients, which were false and misleading in that these statements implied or represented that the product contained 5 percent of hexachlorocyclohexane and that, when used as directed, it would control powdery mildew on roses, Fairy Rings in lawns, potato scab, all weevils on vegetables and flowers, all borers and similar pests on flowers, all root maggots, all insects on sycamore, pear, and peach trees and on gooseberries and currants, eggs of all mites and aphids and all insect eggs in buildings; would repel mites and lice in chicken houses, all insects on roses, and all crawling insects; would be "your garden protector"; and would be a soil reclaimer; whereas the product contained less than 5 percent of hexachlorocyclohexane and, when used as directed, would not control powdery mildew on roses, Fairy Rings in lawns, potato scab, all weevils on vegetables and flowers, all borers and similar pests on flowers, all root maggots, all insects on sycamore, pear, and peach trees and on gooseberries and currants, eggs of all mites and aphids, and all insect eggs in buildings; would not repel mites

and lice in chicken houses, all insects on roses, and all crawling insects; would not be "your garden protector"; and would not be a soil reclaimer.

2. The product was further misbranded within the meaning of the act in that its labels did not contain a warning or caution statement which was necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals in that the labels should have contained but did not contain suitable warnings or cautions against the danger of skin irritation or injury from inhalation in the use of the product.
3. The product was further misbranded within the meaning of the act in that, when used as directed, it would be injurious to vegetation to which applied, since when so used on roses it would injure the foliage thereof and when so used on certain food crops, including lima beans and potatoes, it would injure the flavor of such crops, and in that for these reasons the labeling accompanying the product did not contain directions for use which were necessary and, if complied with, adequate for protection of the public.
4. The product was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality under which it was sold, since its labeling stated in part that it contained 5 percent of hexachlorocyclohexane, whereas the product contained less than 5 percent of hexachlorocyclohexane.

In count 3 it was alleged that the defendant, on or about April 4, 1949, shipped and delivered for shipment from Sumner, Wash., to Salem, Oreg., 72 ½-pint containers, 12 1-quart containers, and 6 1-gallon containers of a product known as "CARCO-X" and that:

1. The product was misbranded within the meaning of the act in that its labeling bore statements relative to the product and its ingredients which were false and misleading since the labeling represented or implied that the product contained 5 percent of hexachlorocyclohexane and that, when used as directed, it would control all weevils on vegetables and flowers, all borers and similar pests on flowers, Fairy Rings in lawns, all soil insects, all eggs of mites and aphids, and all insect eggs in buildings; would repel all insects on roses, all crawling insects, all insects that lay eggs that hatch into worms or maggots, and mites and lice in chicken houses; would be "your garden protector"; and would be a soil reclaimer; whereas the product contained less than 5 percent of hexachlorocyclohexane and, when used as directed, would not control all weevils on vegetables and flowers, all borers and similar pests on flowers, Fairy Rings in lawns, all soil insects, all eggs of mites and aphids, and all insect eggs in buildings; would not repel all insects on roses, all crawling insects, all insects that lay eggs that hatch into worms, or maggots, and mites and lice in chicken houses; would not be "your garden protector"; and would not be a soil reclaimer.
2. The product was further misbranded within the meaning of the act in that, when used as directed, it would be injurious to vegetation to which applied, since when so used on roses it would injure the foliage thereof and when so used on certain food crops, including lima beans and potatoes, it would injure the flavor of such crops, and in that, for these reasons, the labeling accompanying the product did not contain directions for use which were necessary and, if complied with, adequate for protection of the public.
3. The product was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality under which it was sold, since its labeling stated, in part, that it contained 5 percent of hexachlorocyclohexane, whereas the product contained less than 5 percent of hexachlorocyclohexane.

The defendant having entered a plea of not guilty, the case went to trial before a jury. On June 4, 1952, the defendant was found guilty of violation of 7 U. S. C. 135a (a) (1) as charged in count 1 and not guilty on counts 2 and 3. Imposition of sentence was suspended, and the defendant was placed on probation for 3 years.

- 143. Lack of registration and misbranding of "FAZT PINE OIL DISINFECTANT COEF 5." U. S. v. 1 55-gallon drum and 6 5-gallon containers, more or less, of "FAZT PINE OIL DISINFECTANT COEF 5." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 183. I. D. No. 25190.)**

The product, "FAZT PINE OIL DISINFECTANT COEF 5," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and an examination of the product showed that the labels affixed to the containers of the product did not bear an ingredient statement as required by the act.

On April 22, 1952, the United States Attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 1 55-gallon drum and 6 5-gallon containers, more or less, of "FAZT PINE OIL DISINFECTANT COEF 5," at Omaha, Nebr., alleging that the product was an economic poison which had been transported interstate, on or about January 22, 1952, by the Continental Soap Corporation, from Chicago, Ill., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was misbranded in that the labels affixed to the containers of the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, in the product, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients, in the product.

On September 22, 1952, no claimant having appeared, a decree of condemnation and forfeiture was entered, and the United States Marshal was ordered to destroy the product.

- 144. Lack of registration and required information on labeling, adulteration, and misbranding of "Py. Extract." U. S. v. 1 55-gallon container, more or less, of "Py. Extract." Consent decree of condemnation and release under bond. (I. F. & R. No. 174. I. D. No. 24769.)**

The product, "Py. Extract," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the label affixed to the container of the product did not bear certain information required by the act. The product was also found to be adulterated and misbranded within the meaning of the act.

On April 28, 1952, the United States Attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 1 55-gallon container, more or less, of "Py. Extract," at Jacksonville, Fla., alleging the product was an economic poison which had been transported interstate, on or about January 7, 1952, by Baird & McGuire, Inc., from Holbrook, Mass., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product failed to comply with the provisions of the act in that the label affixed to the container of the product did not bear a statement of the net weight or measure of the contents of the container.

It was alleged that the product failed to comply with the provisions of the act in that the label affixed to the container of the product did not bear a statement giving the name and address of the manufacturer, registrant, or person for whom manufactured.

It was alleged that the product was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality under which it was sold, since the invoice accompanying the product bore the statement, "Pyrethrum Extract #20," which implied or represented the product contained 2.4 percent of pyrethrins, whereas the product contained less than 2.4 percent of pyrethrins.

It was alleged that the product was further adulterated within the meaning of the act in that a substance other than pyrethrum extract, to wit, dichloro diphenyl trichloroethane (DDT) has been substituted in part for the product.

It was alleged that the product was misbranded within the meaning of the act in that its labeling bore the statement, "Py. Extract," which was false or misleading since the statement implied or represented that the product consisted wholly of an extract of pyrethrum, whereas the product contained another active ingredient, to wit, dichloro diphenyl trichloroethane (DDT).

It was alleged that the product was further misbranded within the meaning of the act in that the labeling accompanying the product did not contain directions for use which were necessary and, if complied with, adequate for the protection of the public.

It was alleged that the product was further misbranded in that its label did not bear a warning or caution statement which was necessary, and, if complied with, adequate for the protection of the public.

It was alleged that the product was further misbranded in that the label affixed to the container of the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, in the product, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients, in the product.

Baird & McGuire, Inc., of Holbrook, Mass., claimed ownership of the product and requested its release under bond for the purpose of bringing it into compliance with the act, and consented to the entry of a condemnation decree. On June 16, 1952, a decree of condemnation was entered, and it was ordered that the product be released to the claimant under bond.

145. Lack of registration and misbranding of "MYSTIC FRESH-UP FOR PERFECT CARPET CARE." U. S. v. 119 1-gallon cans, more or less, of "MYSTIC FRESH-UP FOR PERFECT CARPET CARE." Decree of condemnation and forfeiture. (I. F. & R. No. 185. I. D. No. 20923.)

The product, "MYSTIC FRESH-UP FOR PERFECT CARPET CARE," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the ingredient statement on the labels affixed to the containers of the product did not appear on that part of the immediate containers which is presented or displayed under customary conditions of purchase and the term "Inert ingredients" was less prominent than the term "Active Ingredients."

On May 7, 1952, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 119 1-gallon cans, more or less, of "MYSTIC FRESH-UP FOR PERFECT CARPET CARE," at Washington, D. C., alleging that the product was an economic poison which had been transported interstate, on or about April 15, 1952, and April 16, 1952, by Mystic Foam Corporation, from Cleveland, Ohio, in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

The product was alleged to be misbranded in that the ingredient statement appearing on the labels affixed to the containers of the product did not appear on that part of the immediate containers of the retail package which is presented or displayed under customary conditions of purchase, and the term "Inert ingredients" was less prominent than the term "Active Ingredients."

On August 14, 1952, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be delivered to Gallinger Municipal Hospital for its use only, and not for sale.

146. Lack of registration of "FUMOL CHLORDANE 2% SOLUTION." U. S. v. 2 55-gallon drums, more or less, of "FUMOL CHLORDANE 2% SOLUTION." Default decree of condemnation and forfeiture. (I. F. & R. No. 187. I. D. No. 24960.)

The product, "FUMOL CHLORDANE 2% SOLUTION," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On May 23, 1952, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 2 55-gallon drums, more or less, of "FUMOL CHLORDANE 2% SOLUTION," at

Waterbury, Conn., alleging that the product was an economic poison which had been transported interstate, on or about March 26, 1952, by Fumol Corporation, from Long Island City, N. Y., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

On July 23, 1952, a decree of condemnation and forfeiture was entered, and it was ordered that the product be delivered to a public institution, within the State of Connecticut, such as a hospital or county farm, for use against flies, ants, roaches, or similar insects.

147. Lack of registration of "FUMOL 110 INSECT SPRAY." U. S. v. 2 55-gallon drums, more or less, of "FUMOL 110 INSECT SPRAY." Default decree of condemnation and forfeiture. (I. F. & R. No. 188. I. D. No. 24959.)

The product, "FUMOL 110 INSECT SPRAY," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On May 23, 1952, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 2 55-gallon drums, more or less, of "FUMOL 110 INSECT SPRAY," at Waterbury, Conn., alleging that the product was an economic poison which had been transported interstate, on or about March 26, 1952, by the Fumol Corporation, from Long Island City, N. Y., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

On July 24, 1952, a decree of condemnation and forfeiture was entered, and it was ordered that the product be delivered to a public institution, within the State of Connecticut, such as a hospital or county farm, for use against flies, ants, roaches, or similar insects.

148. Lack of registration of "EXTERM-O-LITE." U. S. v. 660 packages, more or less, each containing two "EXTERM-O-LITE VAPORIZERS" and "EXTERM-O-LITE INSECTICIDE"; 50 display cards, more or less, captioned "FOR SURE PEST CONTROL EXTERM-O-LITE VAPORIZER"; and 50 circulars, more or less, bearing the statement "9 TIMES MORE POWERFUL THAN DDT EXTERM-O-LITE VAPORIZER OF PURE LINDANE." Consent decree of condemnation and release under bond. (I. F. & R. No. 181. I. D. No. 24578.)

The product, "EXTERM-O-LITE," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On April 4, 1952, the United States Attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 660 packages, more or less, each containing two "EXTERM-O-LITE VAPORIZERS" and "EXTERM-O-LITE INSECTICIDE"; 50 display cards, more or less, captioned "FOR SURE PEST CONTROL EXTERM-O-LITE VAPORIZER"; and 50 circulars, more or less, bearing the statement "9 TIMES MORE POWERFUL THAN DDT EXTERM-O-LITE VAPORIZER OF PURE LINDANE," at Los Angeles, Calif., alleging that the product was an economic poison which had been transported interstate, on or about February 27, 1952, by the Candle-Lite Chemical Company, from Miami, Fla., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

Candle-Lite Chemical Co., of Miami, Fla., claimed ownership of the product and requested its release under bond for the purpose of bringing it into compliance with the act, and consented to the entry of a condemnation decree. On April 29, 1952, a decree of condemnation was entered, and it was ordered that the product be released to the claimant under bond.

149. Misbranding and adulteration of "PYNEEN DISINFECTANT COEFFICIENT 5." U. S. v. 62 1-gallon containers, more or less, of "PYNEEN DISINFECTANT COEFFICIENT 5." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 192. I. D. No. 24287.)

An examination of a sample of "PYNEEN DISINFECTANT COEFFICIENT 5" showed that the product consisted of water, soap, isopropyl alcohol, pine oil, pine oil solvents, and chlorinated phenol. When tested, the product was found

to have a phenol coefficient of 2.8 instead of a phenol coefficient of 5, as was claimed.

On June 6, 1952, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 62 1-gallon containers, more or less, of "PYNEEN DISINFECTANT COEFFICIENT 5," at Trenton, N. J., alleging that the product was an economic poison which had been transported interstate, on or about July 10, 1951, by The Chemical Services Company (Chemical Services of Baltimore), from Baltimore, Md., in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

It was alleged that the product was misbranded in that the statements:

"An
ODORITE
PRODUCT

PYNEEN
DISINFECTANT
COEFFICIENT 5

* * *

DIRECTIONS FOR USE

Be sure all dirt is swept up and removed before applying disinfectant. For proper disinfection, surface should be thoroughly wetted with disinfectant solution as described below:

Solution A: Use 1 part of Dis. with 100 parts water

Solution B: Use 1 part of Dis. with 200 parts water

Coefficient 5 F. D. A. against E. Typhi

AS A DISINFECTANT

For Urinals and Toilets: Clean daily with Solution A. Pour excess solution in pail down urinal drains.

For Public Places: In schools, hotels, theatres, office buildings, etc., wash freely all floors, desks, etc., with Solution A.

Cuspidors: Clean with Solution A. Leave small amount in each cuspidor.

Garbage Receptacles, Etc.: Wash entire surface thoroughly with Solution A.

Telephone and Dictating Machine Mouthpieces: Wash thoroughly with Solution A.

Kennels, Stables, Chicken Houses, Etc.: Wash all surfaces thoroughly with Solution A. Allow to remain for approximately 10 minutes and then mop up thoroughly with clear water.

* * *

borne on the labels affixed to the containers of the product were false and misleading since they implied or represented that the product had a phenol coefficient of 5, and that the product, when used as directed, would disinfect all articles, places, and surfaces listed in such statements and those implied by the term "etc.," whereas the product had a phenol less than 5 and the product, when used as directed, would not disinfect all articles, places, and surfaces listed on its labeling or those implied by the term "etc."

It was alleged that the product was adulterated within the meaning of the act in that its standard or purity fell below the professed standard or quality as expressed on its label, since its labeling bore the statement "PYNEEN DISINFECTANT COEFFICIENT 5," whereas the product had a phenol coefficient of less than 5.

On July 15, 1952, no claimant having appeared, a decree of condemnation and forfeiture was entered, and the United States Marshal was ordered to destroy the product.

150. Lack of registration of "FUCO BRAND 5% A-P 1% (All Purpose) TOBACCO DUST TDE-DDD-RHOTHANE"; "FUCO BRAND 3-5-0 COTTON DUST"; and "3-5-40 COTTON DUST." U. S. v. 75 50-pound bags, more or less of "FUCO BRAND 5% A-P 1% (All Purpose) TOBACCO DUST

TDE-DDD-RHOTHANE"; 30 50-pound bags, more or less, of "FUCO BRAND 3-5-0 COTTON DUST"; and 4 50-pound bags, more or less, of "3-5-40 COTTON DUST." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 198. I. D. No. 25759, 25760, and 25761.)

The products, "FUCO BRAND 5% A-P 1% (All Purpose) TOBACCO DUST TDE-DDD-RHOTHANE," "FUCO BRAND 3-5-0 COTTON DUST," and "3-5-40 COTTON DUST," were not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On July 3, 1952, the United States Attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 75 50-pound bags, more or less, of "FUCO BRAND 5% A-P 1% (All Purpose) TOBACCO DUST TDE-DDD-RHOTHANE"; 30 50-pound bags, more or less, of "FUCO BRAND 3-5-0 COTTON DUST"; and 4 50-pound bags, more or less, of "3-5-40 COTTON DUST," at Valdosta, Ga., alleging that the products were economic poisons which had been transported interstate, on or about May 23, 1952, and May 27, 1952, by Futch Produce Co., from Live Oak, Fla., in violation of the act.

It was alleged that the products were not registered with the Secretary of Agriculture as required by section 4 of the act.

On August 28, 1952, a decree of condemnation and forfeiture was entered, and the United States Marshal was ordered to destroy the products.

151. Adulteration and misbranding of "FORTIFIED DISINFECTANT PINE OIL COEF. 3 F. D. A." U. S. v. 59 1-gallon containers, more or less, of "FORTIFIED DISINFECTANT PINE OIL COEF. 3 F. D. A." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 151. I. D. No. 22398.)

An examination of a sample of "FORTIFIED DISINFECTANT PINE OIL COEF. 3 F. D. A." showed that this product consisted of pine oil, soap, water, chlorinated phenols, isopropyl alcohol, and wood naphtha. When tested, the product was found to have a phenol coefficient of 0.4 instead of a phenol coefficient of 3 as claimed.

On June 28, 1951, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 59 1-gallon containers, more or less, of "FORTIFIED DISINFECTANT PINE OIL COEF. 3 F. D. A." alleging that the product was an economic poison which had been transported interstate, on or about February 28, 1951, by Uncle Sam Chemical Co., Inc., from New York, N. Y., in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

It was alleged that the product was adulterated within the meaning of the act in that the statements:

**"FORTIFIED
DISINFECTANT
PINE OIL**

Active Ingredients
Pine Oil; Isopropanol
Mono chloro orthophenylphenol
Inert Ingredients
Water 10%"

implied or represented that the product was a pine oil disinfectant containing pine oil and no other type of oil, whereas oil other than pine oil had been substituted wholly or in part for the article.

It was alleged that the product was further adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality as expressed on the labels affixed to the containers of the product since its labeling bore the statement "COEF. 3 F. D. A." whereas the product had a phenol coefficient of less than 3.

It was alleged that the product was misbranded within the meaning of the act in that the statements:

"FORTIFIED
DISINFECTANT
PINE OIL

Coef. 3 F. D. A.

Active Ingredients
Pine Oil; Isoproponol
Mono chloro orthophenylphenol
Inert Ingredient
Water 10%

* * *

A pleasant, efficacious product for disinfecting and deodorizing. Added to water in cleaning, it insures thorough sanitation and leaves a marvelous odor of pine woods.

DIRECTIONS

General Cleaning and Disinfecting: Dilute one part of disinfectant with 60 parts of lukewarm scrubbing solution. Pour scrubbing solution on disinfectant. Excellent for washing floors, woodwork, sinks, walls, basements, telephone booths, etc. It aids in removing grease, dirt and odors in public places, schools, hotels, theatres, office buildings home, etc.

* * *

CONTENTS ONE GALLON

* * *

borne on the labels affixed to the containers of the product were false and misleading since the statements implied or represented that the product: (1) Contained no oil other than pine oil; (2) was a fortified pine oil disinfectant; (3) had a net content of 1 gallon; (4) had a phenol coefficient of 3 F. D. A.; and (5) when used as directed could be relied upon to disinfect floors, woodwork, sinks, walls, basements, telephone booths, public places, schools, hotels, theaters, office buildings, home, or other places implied by the abbreviation "etc."; whereas, the product: (1) Contained oil other than pine oil; (2) was not a fortified pine oil disinfectant; (3) had a net content of less than 1 gallon; (4) had a phenol coefficient of less than 3 F. D. A.; and (5) when used as directed could not be relied upon to disinfect floors, woodwork, sinks, walls, basements, telephone booths, public places, schools, hotels, theaters, office buildings, home, or other places implied by the abbreviation "etc."

On August 13, 1951, a decree of condemnation and forfeiture was entered, and the United States Marshal was ordered to destroy the product.

152. Lack of registration and required information and misbranding of "PYNOL 18-55-49." U. S. v. 2 55-gallon drums, more or less, of "PYNOL 18-55-49." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 152. I. D. No. 21662.)

The product, "PYNOL 18-55-49," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and an examination of the product showed that the labels affixed to the containers of the product did not bear a proper statement of net weight or measure of contents of the containers. The examination further showed that the labels did not contain directions for use which were necessary and, if complied with, adequate for the protection of the public; the labels did not bear an ingredient statement as required by the act; and the product was also misbranded in that the labeling bore false and misleading information.

On July 2, 1951, the United States Attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 2 55-gallon drums, more or less, of "PYNOL 18-55-49," at Georgetown, S. C., alleging that the product was an economic poison which had been transported interstate, on or about September 6, 1950, by the Pynol Company, from Burlington, Iowa, in violation of the act.

It was alleged that:

1. The product was not registered with the Secretary of Agriculture as required by section 4 of the act.
2. The product failed to comply with the act in that the labels affixed to the containers of the product did not bear a proper statement of net weight or measure of contents of the containers in that the labels stated the net contents in terms of pounds, whereas the net content of a product of this kind and amount is required to be stated in terms of gallons.
3. The product was misbranded in that its labeling bore a statement which was false and misleading in that it implied or represented that the International Paper Co., Southern Kraft Division, was the manufacturer of the product, whereas the said company was not the manufacturer.
4. The product was misbranded in that the labeling accompanying the product did not contain directions for use which were necessary and, if complied with, adequate for the protection of the public.
5. The product was further misbranded in that its labeling did not bear an ingredient statement giving the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the product, or an ingredient statement giving the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, in the product.

On August 10, 1951, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

153. Lack of registration and misbranding of "SABADILLA SEED POWDERED"; "POWDERED SABADILLA SEED AND SULPHUR MIXED FOR LICE ON LIVESTOCK (Powdered Sabadilla Seed—33% Sulphur—67%)" and "POWDERED SABADILLA SEED AND SULPHUR MIXED FOR LICE ON LIVESTOCK (Powdered Sabadilla Seed—50% Sulphur—50%)." U. S. v. 69 1-pound cartons, more or less, of "SABADILLA SEED POWDERED"; 89 1-pound cartons, more or less, of "POWDERED SABADILLA SEED AND SULPHUR MIXED FOR LICE ON LIVESTOCK (Powdered Sabadilla Seed—33% Sulphur—67%)" and 89 1-pound cartons, more or less, of "POWDERED SABADILLA SEED AND SULPHUR MIXED FOR LICE ON LIVESTOCK (Powdered Sabadilla Seed—50% Sulphur—50%)." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 153. I. D. Nos. 22179, 22180, and 22181.)

The products, "SABADILLA SEED POWDERED," "POWDERED SABADILLA SEED AND SULPHUR MIXED FOR LICE ON LIVESTOCK (Powdered Sabadilla Seed—33% Sulphur—67%)," and "POWDERED SABADILLA SEED AND SULPHUR MIXED FOR LICE ON LIVESTOCK (Powdered Sabadilla Seed—50% Sulphur 50%)," were not registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and an examination of the products showed that the labels affixed to the containers of the products did not bear an ingredient statement as required by the act.

On July 9, 1951, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 69 1-pound cartons, more or less, of "SABADILLA SEED POWDERED"; 89 1-pound cartons, more or less, of "POWDERED SABADILLA SEED AND SULPHUR MIXED FOR LICE ON LIVESTOCK (Powdered Sabadilla Seed—33% Sulphur—67%)" and 89 1-pound cartons, more or less, of "POWDERED SABADILLA SEED AND SULPHUR MIXED FOR LICE ON LIVESTOCK (Powdered Sabadilla Seed—50% Sulphur—50%)," at Fargo, N. Dak., alleging that the products were economic poisons which had been transported interstate, on or about July 19, 1951, by the Northern Drug Co., from Duluth, Minn., in violation of the act.

It was alleged that the products were not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the products were misbranded within the meaning of the act in that the labels affixed to the containers of the products did not bear an ingredient statement giving the name and percentage of each of the active

ingredients, together with the total percentage of the inert ingredients, in the products, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients, in the products.

On August 31, 1951, a decree of condemnation and forfeiture was entered, and the United States Marshal was ordered to destroy the products.

154. Misbranding and adulteration of "HARCO G. S. A. Disinfectant Coef 5 FDA Method" and "CRYSO G. S. A. Disinfectant Coef 5 FDA Method." U. S. v. 219 5-gallon cans, more or less, of "HARCO G. S. A. Disinfectant Coef 5 FDA Method" and 1,404 1-gallon cans, more or less, of "CRYSO G. S. A. Disinfectant Coef 5 FDA Method". Consent decree of condemnation and release under bond. (I. F. & R. No. 204. I. D. Nos. 20934, 24646, and 24647.)

Examinations of "HARCO G. S. A. Disinfectant Coef 5 FDA Method" and "CRYSO G. S. A. Disinfectant Coef 5 FDA Method" showed that these products consisted chiefly of water with small amounts of pine oil, soap, isopropyl alcohol, and chlorinated phenols. When tested, two samples of "HARCO G. S. A. Disinfectant Coef 5 FDA Method" were found to have an average phenol coefficient of 2.6 instead of a phenol coefficient of 5 as claimed. A sample of "CRYSO G. S. A. Disinfectant Coef 5 FDA Method" was found to have a phenol coefficient of 2.1 instead of a phenol coefficient of 5 as was claimed.

On August 12, 1952, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 219 5-gallon cans, more or less, of "HARCO G. S. A. Disinfectant Coef 5 FDA Method" and 1,404 1-gallon cans, more or less, of "CRYSO G. S. A. Disinfectant Coef 5 FDA Method," at Washington, D. C., alleging that the products were economic poisons which had been transported interstate, on or about July 12, 1952, and July 7, 1952, by the Harley Soap Company, from Philadelphia, Pa., in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

It was alleged that the "HARCO G. S. A. Disinfectant Coef 5 FDA Method" was misbranded in that the statements:

** * *

Harco G. S. A. Disinfectant Coef 5 FDA Method

Active Ingredients. Soap Pine oil, Ortho-benzyl-parachloro-phenol
Inert Ingredients 85% Water, Isopropyl Alcohol

* * *

DIRECTIONS FOR USE OF THIS DISINFECTANT

FOR URINALS AND TOILETS—They should be cleaned daily with a pail of water containing $\frac{1}{2}$ pint of Disinfectant to every 25 quarts of water. When the toilet room has been cleaned the pailful of solution should be utilized by pouring it down the urinal drain in this way deodorizing the drains & traps. **TO AID IN DISINFECTING** of water closets, toilet bowls—clean and flush the hopper each day with a solution of 1 part Disinfectant to 100 parts of water. This solution should also be used for washing off toilet seats as well as entire surface of vessel.

IN PUBLIC PLACES—Schools, hotels, theatres, stores, office buildings, colleges etc.—spray freely a solution of 1 part Disinfectant to 100 parts of water so that all infected areas are covered.

CUSPIDORS—Clean with solution 1 to 100 and leave a small amount of the solution in the cuspidor to aid in killing germs and overcome unpleasant odors.

FOR OUTDOOR CLOSETS—Garbage receptacles, stables, etc.—wash freely with 1 part Disinfectant to 100 of water. Wash entire surface.

FOR STABLES—Where animals are kept spray freely with a 1 to 100 dilution. Be sure all dirt is removed before spraying and that entire infected area is sprayed.

FOR CLEANING CHICKEN COOPS, Hen houses, pigeon houses, etc., wash up with a solution of 1 to 100.

FOR SLAUGHTER HOUSES—Wash vats, slaughter room, etc. with solution of 1 to 100 pour down drain to deodorize.

(NOTE) $\frac{1}{2}$ pint of Disinfectant to 25 quarts of water constitutes a 1 to 100 dilution.

* * *

borne on the labels affixed to the containers of the product were false and misleading since the product had a phenol coefficient of less than 5 and when used as directed the product would not disinfect the articles, places, or surfaces listed on its labeling or implied by the term "etc."

It was alleged that the "HARCO G. S. A. Disinfectant Coef 5 FDA Method" was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality as expressed on its labeling since the labeling bore the statement "Coef 5 FDA Method" whereas the product had a phenol coefficient of less than 5.

It was alleged that the "CRYSO G. S. A. Disinfectant Coef 5 FDA Method" was misbranded in that the statements:

* * *

Cryso G S A Disinfectant Coef 5 FDA Method

Active Ingredients Soap pine oil, Ortho benzyl-parachloro-phenol
Inert Ingredients, 85% Water, Isopropyl Alcohol

* * *

DIRECTIONS FOR USE OF THIS DISINFECTANT

FOR URINALS AND TOILETS—They should be cleaned daily with a pail of water containing $\frac{1}{2}$ pint of Disinfectant to every 25 quarts of water. When the toilet room has been cleaned the pailful of solution should be utilized by pouring it down the urinal drain in this way deodorizing the drains & traps.

TO AID IN DISINFECTING of water closets, toilet bowls—Clean and flush the hopper each day with a solution of 1 part Disinfectant to 100 parts water. This should also be used for washing off toilet seats as well as entire surface of vessel.

IN PUBLIC PLACES—Schools, hotels, theatres, stores, office buildings, colleges, etc.—spray freely a solution of 1 part Disinfectant to 100 parts of water so that all infected areas are covered.

CUSPIDORS—Clean with solution 1 to 100 and leave a small amount of the solution in the cuspidor to aid in killing germs and overcome unpleasant odors.

FOR OUTDOOR CLOSETS—Garbage receptacles, stables, etc.—wash freely with 1 part of Disinfectant to 100 of water. Wash entire surface.

FOR STABLES—Where animals are kept spray freely with a 1 to 100 dilution. Be sure all dirt is removed before spraying and that entire infected area is sprayed.

FOR CLEANING CHICKEN COOPS, hen houses, pigeon houses etc.—wash up with a solution of 1 to 100.

FOR SLAUGHTER HOUSES—Wash vats, slaughter room, etc. with solution of 1 to 100, pour down drain to deodorize.

(Note) $\frac{1}{2}$ pint of Disinfectant to 25 quarts of water constitutes a 1 to 100 dilution.

* * *

borne on the labels affixed to the containers of the product were false and misleading since the product had a phenol coefficient of less than 5 and, when used as directed, the product would not disinfect the articles, places, or surfaces listed on its labeling or implied by the term "etc."

It was alleged that the "CRYSO G. S. A. Disinfectant Coef 5 FDA Method" was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality as expressed on its labeling since the product had a phenol coefficient of less than 5.

The Harley Soap Company, of Philadelphia, Pa., claimed ownership of the products and requested their release under bond for the purpose of bringing them into compliance with the act, and consented to the entry of a condemnation decree. On September 24, 1952, a decree of condemnation was entered, and it was ordered that the products be released to the claimant under bond.

155. Lack of registration and misbranding of "Cedar-Wall." U. S. v. 351 5-pound containers, 699 10-pound containers, and 48 50-pound containers, more or less, of "Cedar Wall." Consent decree of condemnation and release under bond. (I. F. & R. No. 155. I. D. No. 22586.)

The product, "Cedar-Wall," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and an examination of the product showed that the labels affixed to the containers of the product did not bear an ingredient statement as required by the act.

On July 18, 1951, the United States Attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 351 5-pound containers, 699 10-pound containers, and 48 50-pound containers, more or less, of "Cedar-Wall," at Los Angeles, Calif., alleging that the product was an economic poison which had been transported interstate, on or about April 27, 1951, by Edward L. Millen Company, from Cambridge, Mass., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

The product was alleged to be misbranded in that the labels affixed to the containers of the product did not bear an ingredient statement giving the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the product, or an ingredient statement giving the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, in the product.

Harry Landers, doing business as Pacific Trading Company, and Jerome Paul, Los Angeles, Calif., claimed ownership of the product and requested its release under bond for the purpose of removing all economic poison claims from the labeling of the seized product, and consented to the entry of a condemnation decree. On August 10, 1951, a decree of condemnation was entered, and it was ordered that the product be released to the claimants under bond.

156. Lack of required information on label, misbranding, and adulteration of "BY-U PINE OIL DISINFECTANT Coefficient: 5 F. D. A." U. S. v. 7 55-gallon drums, more or less, of "BY-U PINE OIL DISINFECTANT Coefficient 5 F. D. A." Consent decree of condemnation and release under bond. (I. F. & R. No. 156. I. D. No. 21655)

An examination of a sample of "BY-U PINE OIL DISINFECTANT Coefficient: 5 F. D. A." showed that this product consisted of pine oil, soap, water, isopropyl alcohol, and mineral oil. When tested, the product was found to have a phenol coefficient of 3.5 instead of a phenol coefficient of 5 as claimed.

On August 15, 1951, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 7 55-gallon drums, more or less, of "BY-U PINE OIL DISINFECTANT Coefficient: 5 F. D. A." at Savannah, Ga., alleging that the product was an economic poison which had been transported interstate, on or about February 27, 1951, by Bayou Industries, Inc., from Arabi, La., in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

It was alleged that the product was misbranded in that the statements:

"* * *

BY-U

PINE OIL DISINFECTANT

Active Ingredients: Steam Distilled Pine Oil and Soap

Inert Ingredients: Water, Not over 10%

* * *

were false or misleading since they represented that the only oil contained in the product was pine oil and that the product conformed to the trade standard for a pine oil disinfectant, whereas the product contained oil other than pine oil, and the product did not conform to the trade standard for a pine oil disinfectant.

It was alleged that the product was further misbranded within the meaning of the act in that these statements:

“* * *

BY-U

PINE OIL DISINFECTANT

* * *

Coefficient: 5 F. D. A.

DIRECTIONS for use as a Preventative Measure and Aid in Disinfecting **AGAINST B. TYPHOSUS**

NOTE:—Better results are obtained by adding water to the proper amount of pine oil disinfectant. Disinfectant Solution should cover all infected surfaces after sweeping or otherwise removing all dirt or refuse.

FOR GENERAL CLEANING AND DISINFECTING:—Use 1 part disinfectant to 100 parts of water. Wash floors, and use for deodorizing sinks, refrigerators, etc.

TOILET ROOMS:—Use 1 part disinfectant to 100 parts of water. Wash seats, bathtub, bowls, urinals, sinks, floors, and baseboards at least twice a day.

PUBLIC PLACES:—Wash with a solution of 1 part disinfectant to 100 parts of water, so as to cover all possible areas of infection. For schools, institutions, public buildings, etc.

GARBAGE CANS, REFUSE PAILS, CELLARS, OUTDOOR CLOSETS:—Thoroughly saturate by sprinkling or spraying with solution of 1 part disinfectant to 90 parts of water. This will aid in repelling and preventing breeding of flies and certain other insect pests, and check putrefactive action. Repeat treatment as often as necessary.

CHICKEN COOPS, YARDS, PENS, and STABLES:—Clean free from all dirt and refuse, then wash thoroughly with a solution of 1 part disinfectant to 100 parts of water.

PUBLIC CONVEYANCES:—Scrub floors, wipe seats, wash woodwork, baths, toilets, with a solution of 1 part disinfectant to 100 parts of water. Use for cleaning pantries and passageways.

* * *

borne on the labels affixed to the containers of the product were false and misleading as the product had a phenol coefficient of less than 5 and, when used as directed, the product would not disinfect floors, sinks, refrigerators; toilet seats, bathtubs, bowls, urinals, floors, and baseboards in toilet rooms; areas of infection in schools, institutions, and public buildings; garbage cans, refuse pails, cellars, outdoor closets, chicken coops, yards, pens, and stables; floors, seats, woodwork, baths, toilets, pantries, and passageways in public conveyances; and all articles, places, and surfaces implied by the term “etc.”

It was alleged that the product was adulterated within the meaning of the act in that oils other than pine oil had been substituted wholly, or in part, for the product.

It was alleged that the product was further adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality as expressed on its labeling since its labeling bore the statement “Coefficient: 5 F. D. A.” whereas the product had a phenol coefficient of less than 5.

Bayou Industries, Inc., of Arabi, La., claimed ownership of the product and requested its release under bond for the purpose of bringing it into compliance with the act, and consented to the entry of a condemnation decree. On October 17, 1951, a decree of condemnation was entered, and it was ordered that the product be released to the claimant under bond.

157. Lack of registration and misbranding of “**SOLUTION DETERGICIDE CONCENTRATED.**” U. S. v. 72 8-ounce bottles and 144 16-ounce bottles, more or less, of “**SOLUTION DETERGICIDE CONCENTRATED.**” Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 208. I. D. No. 25673.)

The product, “**SOLUTION DETERGICIDE CONCENTRATED,**” was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the labels affixed to the containers of

the product did not bear an ingredient statement nor a warning or caution statement as required by the act. The product was also found to be misbranded within the meaning of the act.

The United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 72 8-ounce bottles and 144 16-ounce bottles, more or less, of "SOLUTION DETERGICIDE CONCENTRATED," at Summit, N. J., alleging that the product was an economic poison which had been transported interstate, on or about July 21, 1952, by the United States Catheter & Instrument Corporation, from Glens Falls, N. Y., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

The product was alleged to be misbranded in that the labels affixed to the containers of the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of inert ingredients, in the product, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients, in the product.

It was alleged that the product was further misbranded within the meaning of the act in that its labels did not bear a warning or caution statement which was necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals.

It was alleged that the product was further misbranded in that the labeling was false and misleading as it implied or represented that the product, when used as directed, would sterilize and disinfect catheters and diagnostic and surgical instruments and would be a versatile germicide for office and hospital use, whereas the product, when used as directed, would not sterilize or disinfect catheters and diagnostic and surgical instruments and it would not be a versatile germicide for office or hospital use.

On November 7, 1952, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

158. Misbranding of "CO-OP SODIUM FLUORIDE." U. S. v. 644 1-pound containers, more or less, of "CO-OP SODIUM FLUORIDE." Consent decree of condemnation and release under bond. (I. F. & R. No. 158. I. D. Nos. 22075 and 24007.)

Examinations of two samples of the product, "CO-OP SODIUM FLUORIDE," showed net weight shortages of 10 percent and 14 percent, respectively, below the net weight claimed on the labeling of the product.

On July 26, 1951, the United States Attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure for condemnation and confiscation of 644 1-pound containers, more or less, of "CO-OP SODIUM FLUORIDE," at Indianapolis, Ind., alleging that the product was an economic poison which had been transported interstate, on or about March 1, 1951, and April 20, 1951, by the Hessler Laboratories, Inc., from Orient, Ohio, in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

The product was alleged to be misbranded in that the statement, "CO-OP SODIUM FLUORIDE net contents 1 lb.," borne on the labels affixed to the containers of the product, was false or misleading and served to deceive and mislead purchasers, since the statement represented that the net weight of the containers was not less than 1 pound, whereas the net weight of the containers was less than 1 pound.

The Hessler Laboratories, Inc., Orient, Ohio, claimed ownership of the product and requested its release under bond for the purpose of bringing it into compliance with the act, and consented to the entering of a condemnation decree. On September 24, 1951, a decree of condemnation was entered, and it was ordered that the product be released to the claimant under bond.

159. Lack of registration and required information and misbranding of "RID-O-RAT" and "RID-O-ROACH." U. S. v. 11 1-pound containers, more or less, of "RID-O-RAT" and 11 1-pound containers, more or less, of "RID-

O-ROACH." Default decree of condemnation, forfeiture, and destruction.
(I. F. & R. No. 159. I. D. Nos. 24107 and 24108.)

The products, "RID-O-RAT" and "RID-O-ROACH," were not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. Examinations of the products showed that the labels affixed to the containers of the products did not bear statements of net weight or measure of contents of the containers, nor ingredient statements, and the labeling accompanying the products did not contain directions for use as required by the act.

On August 9, 1951, the United States Attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure for condemnation and confiscation of 11 1-pound containers, more or less, of "RID-O-RAT" and 11 1-pound containers more or less, of "RID-O-ROACH," at Berlin, N. H., alleging that the products were economic poisons which had been transported interstate, on or about December 15, 1950, by H. L. Hinton, doing business as Acme Exterminating Company, from Portland, Maine, in violation of the act.

It was alleged that the products were not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the products failed to comply with the act in that the labels affixed to the containers of the products did not bear a statement of net weight or measure of the contents of the containers.

It was alleged that the products were misbranded within the meaning of the act in that the labels affixed to the containers of the products did not bear ingredient statements giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, in the products, or ingredient statements giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients, in the products.

It was alleged that the products were further misbranded in that the labeling accompanying the products did not contain directions for use which were necessary and, if complied with, adequate for the protection of the public.

On October 22, 1951, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the products be destroyed.

160. Lack of registration of "RID-O-RAT" and "RID-O-ROACH" and lack of registration and misbranding of "KILLS MOTHS MOSQUITOES FLIES BEDBUGS ANTS and Other Insects." U. S. v. 11 1-pound containers, more or less, of "RID-O-RAT," 11 1-pound containers of "RID-O-ROACH," and 5 1-gallon containers, more or less, of "KILLS MOTHS MOSQUITOES FLIES BEDBUGS ANTS and Other Insects." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 160. I. D. Nos. 24109, 24110, 24111.)

The products, "RID-O-RAT," "RID-O-ROACH," and "KILLS MOTHS MOSQUITOES FLIES BEDBUGS ANTS and Other Insects," were not registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and an examination of the product, "KILLS MOTHS MOSQUITOES FLIES BEDBUGS ANTS and Other Insects," showed that the labels affixed to the containers of the product did not bear an ingredient statement as required by the act.

On August 9, 1951, the United States Attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure for condemnation and confiscation of 11 1-pound containers, more or less, of "RID-O-RAT," 11 1-pound containers, more or less, of "RID-O-ROACH," and 5 1-gallon containers, more or less, of "KILLS MOTHS MOSQUITOES FLIES BEDBUGS ANTS and Other Insects," at Berlin, N. H., alleging that the products were economic poisons which had been transported interstate, on or about March 22, 1951, by H. L. Hinton, doing business as Acme Exterminating Co., from Portland, Maine, in violation of the act.

It was alleged that the products were not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product, "KILLS MOTHS MOSQUITOES FLIES BEDBUGS ANTS and Other Insects," was misbranded within the meaning of the act in that the labels affixed to the containers of the product did not bear an ingredient statement giving the name and percentage of each of the active

ingredients, together with the total percentage of the inert ingredients, in the product, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients, in the product.

On October 22, 1951, no claimant having appeared, a decree of condemnation and forfeiture was entered, and the United States Marshal was ordered to destroy the products.

161. Lack of required information on labels and misbranding of "PINE OIL DISINFECTANT" labeled as "Cleaning Compound." U. S. v. 1 55-gallon container, 1 30-gallon container, and 12 5-gallon containers, more or less, of "PINE OIL DISINFECTANT" labeled as "Cleaning Compound." (I. F. & R. No. 161. I. D. No. 21676.)

An examination of the product, "PINE OIL DISINFECTANT" labeled as "Cleaning Compound," showed that the labels affixed to the containers of the product did not bear a statement of the net weight or measure of the content of the containers, nor an ingredient statement, nor adequate directions for use, as required by the Federal Insecticide, Fungicide, and Rodenticide Act.

On August 31, 1951, the United States Attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 1 55-gallon container, 1 30-gallon container, and 12 5-gallon containers, more or less, of "PINE OIL DISINFECTANT" labeled as "Cleaning Compound," at Atlanta, Ga., alleging that the product was an economic poison which had been transported interstate, on or about June 11, 1951, by Bayou Industries, Inc., from New Orleans, La., in violation of the act.

It was alleged that the labels affixed to the containers of the product did not bear a statement of the net weight or measure of the contents of the containers.

It was alleged that the product was misbranded in that the labels affixed to the containers of the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, in the product, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients, in the product.

It was alleged that the product was further misbranded in that the labeling accompanying the product did not contain directions for use which were necessary and, if complied with, adequate for the protection of the public.

On October 2, 1951, no claimant having appeared, a default decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

162. Lack of registration and required information on label and misbranding of "Insect-O-Lite Vaporizer with Insectane." U. S. v. 44 cartons, more or less, of "Insect-O-Lite Vaporizer with Insectane." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 206. I. D. No. 25967.)

The product, "Insect-O-Lite Vaporizer with Insectane," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the labels affixed to the containers of the product did not bear a statement of the net weight or measure of the contents of the containers nor an ingredient statement as required by the act.

On August 5, 1952, the United States Attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 44 cartons, more or less, of "Insect-O-Lite Vaporizer with Insectane," at Indianapolis, Ind., alleging that the product was an economic poison which had been transported interstate, on or about July 15, 1952, by Insect-O-Lite Co., Inc., from Cincinnati, Ohio, in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product failed to comply with the act in that the outside container of the retail package of the product did not bear a statement of the net weight or measure of the contents of the container.

It was alleged that the product was misbranded in that the label affixed to the outside container of the retail package of the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, in the product, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients, in the product.

On November 5, 1952, no claimant having appeared, a decree of condemnation and forfeiture was entered, and the United States Marshal was ordered to destroy the product.

163. Lack of registration and required information on label and misbranding of "CREOSAN (DISINFECTANT)." U. S. v. 1 drum containing 55-gallons, more or less, of "CREOSAN (DISINFECTANT)." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 211. I. D. No. 25808.)

The product, "CREOSAN (DISINFECTANT)," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the label affixed to the container of the product did not bear a statement of the net weight or measure of the contents of the container, nor an ingredient statement as required by the act.

On October 2, 1952, the United States Attorney for the District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 1 drum containing 55-gallons, more or less, of "CREOSAN (DISINFECTANT)," at Geneva, Ala., alleging that the product was an economic poison which had been transported interstate, on or about April 30, 1952, by Harrison Chemical Company, from Marianna, Fla., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product failed to comply with the act in that the label affixed to the container of the product did not bear a statement of the net weight or measure of the contents of the container.

It was alleged that the product was misbranded in that the labels affixed to the container of the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, in the product, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients, in the product.

On November 3, 1952, no claimant having appeared, a decree of condemnation and forfeiture was entered, and the United States Marshal was ordered to destroy the product.

164. Misbranding of "COLORADO .44 BRAND 25% DDT EMULSION." U. S. v. 1 drum containing 20 gallons, more or less, of "COLORADO .44 BRAND 25% DDT EMULSION." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 164. I. D. No. 20866.)

An examination of the product, "COLORADO .44 BRAND 25% DDT EMULSION," showed that this product, when used as directed or in accordance with commonly recognized practice, would be injurious to vegetation, other than weeds, to which it was applied.

On October 18, 1951, the United States Attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 1 drum containing 20 gallons, more or less, of "COLORADO .44 BRAND 25% DDT EMULSION," at Scott City, Kans., alleging that the product was an economic poison which had been transported interstate, on or about April 25, 1951, by the Chemical Corporation of Colorado, from Denver, Colo., in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

It was alleged that the product was misbranded within the meaning of the act in that the product, when used as directed or in accordance with commonly recognized practice, would be injurious to vegetation, other than weeds, to which it was applied.

On February 4, 1952, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

165. Lack of registration and misbranding of "Stantox 2,4-D Dust." U. S. v. 165 75-pound sacks, more or less, of "Stantox 2,4-D Dust." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 165. I. D. No. 23511.)

The product, "Stantox 2,4-D Dust," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the labels affixed to the containers of the product did not bear a warning or caution statement which was necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals.

On October 22, 1951, the United States Attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 165 75-pound sacks, more or less, of "Stantox 2,4-D Dust," at Larimore, N. Dak., alleging that the product was an economic poison which had been transported interstate, on or about June 4, 1949, and June 8, 1949, by Standard Agricultural Chemicals, Inc., from Tulalake, Calif., and Portland, Oreg., respectively, in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

The product was alleged to be misbranded in that the labels affixed to the containers of the product did not contain a warning or caution statement which was necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals.

On June 17, 1952, no claimant having appeared, a decree of condemnation and forfeiture was entered, and the United States Marshal was ordered to destroy the product.

166. Misbranding of "Fli-Pel" and claims made for product differed in substance from those made in connection with its registration. U. S. v. Lee L. Ratner and United Enterprises, Inc. Plea of guilty by the corporation and plea of nolo contendere by the individual. Fines of \$75 against the corporation and \$25 against the individual. (I. F. & R. No. 173. I. D. No. 24032.)

The product, "Fli-Pel," was in violation of the Federal Insecticide, Fungicide, and Rodenticide Act in that the claims made for the product differed from those made in connection with its registration, and the product was misbranded in that the claims made for it were false and misleading.

On May 22, 1952, the United States District Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the United States District Court an information against Lee L. Ratner and United Enterprises, Inc., alleging the interstate shipment, on or about July 17, 1951, from Chicago, Ill., to Indianapolis, Ind., of an economic poison, known as "Fli-Pel," in violation of the act.

In count 1 it was alleged that the claims made for the product differed in substance from those made in connection with its registration.

In count 2 it was alleged that the product was misbranded within the meaning of the act in that its labeling bore the statements:

"KEEP YOUR HOME—SHOP—BARN
FREE OF FLIES
ALL SEASON LONG

HOW FLI-PEL WORKS:

FLI-PEL is a residual fly spray—a powder combined with a liquid. SHAKE WELL and after FLI-PEL is sprayed onto the walls, light fixtures, etc., as directed, the liquid evaporates, leaving a light, almost invisible coating of powder. When the fly or mosquito lands on this, it dies within a few seconds.

FLI-PEL IS GOOD FOR ALL TYPES OF INSECTS:

However, FLI-PEL has been especially made to keep homes, shops, stores, restaurants, hotels and barns FLY-FREE.

FLI-PEL is not only extremely effective against flies, mosquitoes, and other flying insects but it is relatively safe to use around all farm and domestic animals and humans, as it is not a poison nor does it contain any DDT.

PREVENT DISEASE, FILTH and DISCOMFORT: HELP FIGHT POLIO:

Scientists have known for years that flies carry dangerous diseases such as typhoid fever and dysentery—NOW scientists believe that the common fly transmits the dreaded POLIO VIRUS. PROTECT YOUR FAMILY. HELP FIGHT POLIO by controlling flies: MOSQUITOES carry such dreaded and fatal diseases as malaria and other fevers. PROTECT YOUR FAMILY AGAINST FLIES and MOSQUITOES with FLI-PEL. FLI-PEL is Guaranteed to Rid Your Property of Flies and Mosquitoes—and Keep It That Way All Season—or Your Money Back:

* * *

which were false or misleading since such statements implied or represented that the product: (1) Was not a poison and could be relatively safe to use around all farm and domestic animals and humans; (2) when used as directed, would keep homes, shops, stores, restaurants, hotels, and barns fly-free; (3) when used as directed, would keep one's home, shop, and barn free of flies all season long; (4) when used as directed, would rid one's property of flies and mosquitoes and keep it that way all seasons; (5) would be good for all types of insects and extremely effective against certain specified insects and other flying insects; (6) would protect one's family against flies and mosquitoes or prevent disease, filth, and discomfort; and (7) would destroy, within a few seconds, flies and mosquitoes which land on sprayed surfaces, whereas the product: (1) Was a poison and would not be relatively safe to use around all farm and domestic animals and humans; (2) when used as directed, would not keep homes, shops, stores, restaurants, hotels, and barns fly-free; (3) when used as directed, would not keep one's home, shop, and barn free of flies all season long; (4) when used as directed, would not rid one's property of flies and mosquitoes and keep it that way all season; (5) would not be good for all types of insects or extremely effective against all insects implied by the phrase "other flying insects"; (6) would not protect one's family against flies and mosquitoes or prevent disease, filth, and discomfort; and (7) would not destroy, within a few seconds, flies and mosquitoes which land on sprayed surfaces.

On December 17, 1952, a plea of nolo contendere was made by Lee L. Ratner, and a plea of guilty was made by United Enterprises, Inc., whereupon the court imposed a fine of \$25 against the individual and \$75 against the corporation.

167. Lack of registration and misbranding and adulteration of "NO-ODOR DISINFECTANT F. D. A. PHENOL COEFFICIENT 6." U. S. v. George H. Turner, doing business as Universal Chemical Company. Plea of guilty. Fine \$25. (I. F. & R. No. 180. I. D. No. 22479.)

The product, "NO-ODOR DISINFECTANT F. D. A. PHENOL COEFFICIENT 6," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. Examinations of two samples of the product showed that it contained 1.63 percent and 0.86 percent, respectively, of alkyl (C_8H_{17} to $C_{18}H_{37}$) dimethyl benzyl ammonium chloride, and that the product had a phenol coefficient of 0.8 instead of a phenol coefficient of 6 as claimed.

On October 14, 1952, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the United States District Court an information against George H. Turner, doing business as Universal Chemical Company alleging shipment in interstate commerce, on or about September 22, 1951, from Boston, Mass., to Washington, D. C., of an economic poison known as "NO-ODOR DISINFECTANT F. D. A. PHENOL COEFFICIENT 6," in violation of the act.

In count 1 it was alleged that the product had not been registered with the Secretary of Agriculture as required by section 4 of the act.

In count 2 it was alleged:

1. That the product was misbranded within the meaning of the act in that its labeling bore the statements:

"PHENOL COEFFICIENT 6

* * *

Active Ingredients: 3.0%
 Alkyldimethylbenzyl Ammonium
 Chlorides

Inert Ingredients: 97.0%
 Water

* * *"

which implied that the product contained 3 percent of alkyl (C_8H_{17} to $C_{18}H_{37}$) dimethyl benzyl ammonium chloride and not more than 97 percent inert ingredients and that the product had a phenol coefficient of not less than 6, whereas the product contained less than 3 percent of alkyl (C_8H_{17} to $C_{18}H_{37}$) dimethyl benzyl ammonium chloride and more than 97 percent of inert ingredients, and it had a phenol coefficient of less than 6.

2. That the product was further misbranded within the meaning of the act in that its accompanying labeling did not contain directions for use which were necessary and, if complied with, adequate for the protection of the public. It was alleged further that the product was misbranded within the meaning of the act in that its labeling did not bear a warning or caution statement which was necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals.

In count 3 it was alleged that the product was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality as expressed on its labeling since its labeling bore the statements:

"PHENOL COEFFICIENT 6

* * *

Active Ingredients: 3.0%
 Alkyldimethylbenzyl Ammonium
 Chlorides

Inert Ingredients: 97.0%
 Water

* * *"

whereas the phenol coefficient of the product was less than 6 and the product contained less than 3 percent of alkyl (C_8H_{17} to $C_{18}H_{37}$) dimethyl benzyl ammonium chloride and more than 97 percent of inert ingredients.

On December 1, 1952, the defendant entered a plea of guilty, and the court imposed a total fine of \$25.

168. Lack of registration of "Lin-Air." U. S. v. 23, more or less, Lindane Vaporizing Units called "Lin-Air." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 216. I. D. No. 26262.)

The product, "Lin-Air," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On November 21, 1952, the United States Attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 23, more or less, Lindane Vaporizing Units called "Lin-Air," at Yuma, Ariz., alleging that the product was an economic poison which had been delivered for interstate transportation, on or about October 11, 1952, by Lin-Air of California, from Gordon Wells, Calif., in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

On January 16, 1953, no claimant having appeared, a decree of condemnation and forfeiture was entered, and the United States Marshal was ordered to destroy the product.

169. Lack of registration and misbranding of "BROWN'S SUPERCEDAR KENNEL BEDDING." U. S. v. 1,199 5-pound bags and 1,000 25-pound bags, more or less, of "BROWN'S SUPERCEDAR KENNEL BEDDING."

Consent decree of condemnation and release under bond. (I. F. & R. No. 207. I. D. No. 25768.)

The product, "BROWN'S SUPERCEDAR KENNEL BEDDING," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the labels affixed to the containers of the product did not bear an ingredient statement nor directions for use which were necessary and, if complied with, adequate for the protection of the public.

On September 5, 1952, the United States Attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 1,199 5-pound bags and 1,000 25-pound bags, more or less of "BROWN'S SUPERCEDAR KENNEL BEDDING," at Atlanta, Ga., alleging that the product was an economic poison which had been transported interstate, on or about July 22, 1952, by George C. Brown & Company, Inc., from Greensboro, N. C., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was misbranded in that the labels affixed to the 25-pound bags did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, in the product, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients, in the product.

It was alleged that the product was further misbranded within the meaning of the act in that the labeling accompanying the product did not contain directions for use which were necessary and, if complied with, adequate for the protection of the public.

George C. Brown & Company, Inc., of Greensboro, N. C., claimed ownership of the product, requested its release under bond for the purpose of bringing the product into compliance with the act, and consented to the entry of a condemnation decree. On October 14, 1952, a decree of condemnation was entered, and it was ordered that the product be released to the claimant under bond.

INDEX TO NOTICES OF JUDGMENT 134-169

	N. J. No.		N. J. No.
Arab-U-Do-It Concentrate Termite Control:		Co-op Sodium Fluoride:	
Federal Chemical Co., Inc.....	134	Hessler Laboratories, Inc.....	158
Better Moth Rings:		Creosan (Disinfectant):	
Better Brushes, Inc.....	139	Harrison Chemical Co.....	163
Brown's Supercedar Kennel Bedding:		Extermo-O-Lite:	
George C. Brown & Co., Inc.....	169	Candle-Lite Chemical Co.....	141
By-U Pine Oil Disinfectant Coefficient: 5 F. D. A.:		Extermo-O-Lite:	
Bayou Industries, Inc.....	156	Candle-Lite Chemical Co.....	148
Carco-X:		Fazt Pine Oil Disinfectant Coef. 5:	
N. F. Rea.....	142	Continental Soap Corporation..	143
Getzum Products.....	142	Fli-Pel:	
Cedar-Lux:		Lee L. Ratner.....	166
Cedar-Lux Products Co., Inc..	138	United Enterprises, Inc.....	166
Cedar-Lux:		Fortified Disinfectant Pine Oil Coef. 3 F. D. A.:	
Cedar-Lux Products Co., Inc..	140	Uncle Sam Chemical Co., Inc..	151
Cedar-Wall:		Fuco-Brand 5% A-P 1% (All Purpose) Tobacco Dust TDE-DDD-Rhothane; Fuco Brand 3-5-0 Cotton Dust; and 3-5-40 Cotton Dust:	
Edward L. Millen Co.....	155	Futch Produce Co.....	150
Harry Landers.....	155	Fumol Chlordane 2% Solution:	
Pacific Trading Co.....	155	Fumol Corporation.....	146
Jerome Paul.....	155	Fumol 110 Insect Spray:	
Colorado .44 Brand 25% DDT Emulsion:		Fumol Corporation.....	147
Chemical Corporation of Colorado	164		

	N. J. No.		N. J. No.
Glamorene the Professional Carpet Cleaner:		Py. Extract:	
The Slade Co., Inc.....	137	Baird & McGuire, Inc.....	144
Gulco Cleaner Polisher With Magic Paramecium:		Pyneen Disinfectant Coefficient 5:	
Gulco Chemical Co., Inc.....	136	The Chemical Services Co.....	149
Harco G. S. A. Disinfectant Coef 5 FDA Method; and CRYSO G. S. A. Disinfectant Coef 5 FDA Method:		Pynol 18-55-49:	
Harley Soap Co.....	154	Pynol Co.....	152
Insect-O-Lite Vaporizer with Insectane:		Rid-O-Rat; and Rid-O-Roach:	
Insect-O-Lite Co., Inc.....	162	H. L. Hinton.....	159
Lin-Air:		Acme Exterminating Co.....	159
Lin-Air of California.....	163	Rid-O-Rat; Rid-O-Roach; and Kills Moths Mosquitoes Flies Bedbugs Ants and Other Insects:	
Mystic Fresh-up for Perfect Carpet Care:		H. L. Hinton.....	160
Mystic Foam Corporation.....	145	Acme Exterminating Co.....	160
No-Odor Disinfectant F. D. A. Phenol Coefficient 6:		Sabadilla Seed Powdered; Powdered Sabadilla Seed and Sulphur Mixed for Lice on Livestock (Powdered Sabadilla Seed—33% Sulphur—67%); and Powdered Sabadilla Seed and Sulphur Mixed for Lice on Livestock (Powdered Sabadilla Seed—50% Sulphur—50%):	
Universal Chemical Co.....	135	Northern Drug Co.....	153
No-Odor Disinfectant F. D. A. Phenol Coefficient 6:		Solution Detergicide Concentrated:	
George H. Turner.....	167	United States Catheter & Instrument Corporation.....	157
Universal Chemical Co.....	167	Stantox 2,4-D Dust:	
Pine Oil Disinfectant labeled as Cleaning Compound:		Standard Agricultural Chemicals, Inc.....	165
Bayou Industries, Inc.....	161		

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